

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>XAVIER MACK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Case Number: 13-cv-2263-HGD</b>
	)	
<b>COLORWORKS PAINTING</b>	)	
<b>COMPANY, LLC, and ERIC</b>	)	
<b>BIRCHFIELD,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT ERIC BIRCHFIELD'S  
MOTION FOR SUMMARY JUDGMENT**

**NOW COMES** Defendant Eric Birchfield, by and through undersigned counsel, pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, and moves this Honorable Court to enter an Order granting summary judgment in its favor on all claims presented against him in the Plaintiff's Complaint and Amended Complaint. As grounds therefore, Defendant states that there are no genuine issues as to any material fact with respect to allegations in the Complaint or Amended Complaint and as such, Defendant is entitled to summary judgment as a matter of law. In support of this motion for Summary Judgment, Defendant respectfully relies upon and submits the following:

1. Defendant Eric Birchfield's, Brief in Support of Motion for Summary Judgment; and
2. Defendants' Joint Evidentiary Submission in Support of Motions for Summary Judgment.

Respectfully submitted,

s/Scott A. Gilliland

Scott A. Gilliland

Counsel for Eric Birchfield

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#### **CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing on the following counsel of record via the CM/ECF electronic filing system on this 16<sup>th</sup> day of February, 2015:

Counsel for Plaintiff:

Gregory O. Wiggins, Esq.  
Kevin W. Jent, Esq.

s/Scott A. Gilliland

Scott A. Gilliland

Counsel for Eric Birchfield